

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CHORD ASSOCIATES LLC, JOPAL
ENTERPRISES LLC; and BARBARA M.
SAEPIA,

Plaintiffs,

-against-

ORDER

07-5138 (JFB) (AKT)

PROTECH 2003-D, LLC, AMTAX HOLDINGS
520, LLC; PROTECH HOLDINGS 128, LLC;
CAPMARK AFFORDABLE EQUITY HOLDINGS
INC; CAPMARK FINANCE INC. (formerly known
as GMAC COMMERCIAL MORTGAGE
CORPORATION), its successors and assigns;
CAPMARK CAPITAL INC. (formerly known
as GMAC COMMERCIAL HOLDING
CORPORATION),

Defendants.

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AMTAX HOLDINGS 520, LLC, PROTECH
2003-D, LLC, CAPMARK FINANCE, INC.,
CAPMARK CAPITAL, INC. and PROTECH
HOLDINGS 128, LLC,

Counterclaim-Plaintiffs

- against -

CHORD ASSOCIATES LLC, BARBARA M.
SAEPIA, JOPAL ENTERPRISES LLC, JOPAL
ASSOCIATES, INC., and ROLAND CONDE,

Counterclaim-Defendants.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

Defendants filed a motion seeking (1) to compel Roland Conde to produce certain documents and to appear for a deposition and (2) seeking sanctions for Mr. Conde's failure to

comply with this Court's Order of April 29, 2009. See DE 91. Attorney Bruce Kaplan responded on behalf of Plaintiffs [DE 95]. Subsequent correspondence was submitted as well. See DE 121.

The Court notes that since this motion was filed, Roland Conde has been added as a party in this action and Mr. Conde agreed to make himself available for deposition. In fact, Mr. Conde objected to an adjournment of his deposition some time ago. The deposition of Mr. Conde is to be completed at a mutually agreed upon date by the parties during the month of June.

Based on the developments in this case since the original motion was filed, the motion is deemed MOOT. Once the parties have complied with the accompanying orders regarding production of documents, Defendants' may renew their motion with regard to any documents which purportedly have not been provided by Mr. Conde if Defendants can establish "good cause" for doing so.

SO ORDERED.

Dated: Central Islip, New York
March 27, 2010

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge